



IT IS ORDERED

Date Entered on Docket: December 8, 2017

The Honorable David T. Thuma
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

IN RE:	§	CASE NO. 17-11129
	§	
DEBRA A. FACIO,	§	CHAPTER 13
	§	
<i>Debtor</i>	§	

**STIPULATED ORDER REGARDING THE AUTOMATIC STAY
AS TO REAL PROPERTY AND 2005 MANUFACTURED HOME**

Came on for consideration Vanderbilt Mortgage and Finance, Inc's ("Movant") Motion for Relief from the Automatic Stay and Notice having been given and the response period having passed and only the Debtor having objected, with Final Hearing set for Monday, December 11, 2017 at 1:30 pm, and the Movant and Debtor having reached an agreement to pass the final hearing as evidenced by this Stipulated Order, the Court is of the opinion that this Order should be granted and no further notice or hearing being necessary, it is therefore hereby,

ORDERED that the final hearing on this matter currently set for Monday, December 11, 2017 at 1:30 pm is hereby passed ;

In the event that Debtor fails to comply with the terms of Modified Plan referred to herein, Movant shall have to right to request another final hearing on this Motion;

ORDERED that the 11 Section 362 automatic stay shall remain in effect as to the Debtor's real property and manufactured home in San Miguel, Dona Ana County NM provided the Debtor file a Modified Chapter 13 Plan that cures all arrears and other recoverable expenses owed to Movant no later than December 16, 2017 and thereafter proceed to confirmation of said Modified Chapter 13 Plan;;

In the event that Debtor fails to comply with this condition, Debtor shall be in default and Movant shall be authorized to send a Notice of Default with 10 days to cure by First Class U.S. mail to the Debtor, Debtor's counsel and the Trustee; Debtor shall be entitled to one Notice of Default and if Debtor fails to cure a default within 10 days the stay shall lift and Movant shall be entitled to proceed with foreclosure as outlined herein; and it is further

ORDERED that automatic stay provided by 11 U.S.C. Section 362 of the Bankruptcy Code shall lift without further court proceeding to permit Vanderbilt Mortgage and Finance, Inc., its successors or assigns, to take all such action permitted under its Note, Security Interest and Mortgage, and applicable non-bankruptcy law to foreclose its lien and security interest and in the following described property

Tract 1

A 0.75 area tract of land situate in Sections 3 and 4, Township 25 South, Range 2 East, N.M.P.M., of the U.S.R.S. Surveys, being part of U.S.R.S. Tract 18-4A4, 4A6, 4A1, 4A7 and 4A9, in San Miguel, Dona Ana County Records, New Mexico, and more particularly described as follows to wit:

BEGINNING at the northeast corner of the tract herein described, WHENCE the southeast corner of the aforementioned Section 3 bears N. 48 degrees 18 minutes 46 seconds E., 377.17 feet and S. 77 degrees 40 minutes 55 seconds E., 5340. 18 feet;

THENCE from the point of beginning S. 35 degrees 15 minutes 51 seconds, E., 48.88 feet to the southeast corner of the tract herein described;

THENCE S. 46 degrees 45 minutes 55 seconds W., 352.47 feet to an angle point of the tract herein described marked by a found iron rod;

THENCE S. 47 degrees 21 minutes 02 seconds W., 199.39 feet to the southwest corner of the tract herein described;

THENCE N. 36 degrees 16 minutes 35 seconds, W., 92.31 feet to the northwest corner of the tract herein described;

THENCE N. 60 degrees 35 minutes 04 seconds E., 145.32 feet to an angle point of the tract herein described, marked by a found iron pipe;

THENCE N. 48 degrees 18 minutes 46 seconds E., 407.69 feet to the place and point of beginning containing 0.75 acres of land, more or less.

Including the 2005 CMH Oakwood Model Manufactured Home, Serial Number OP360447AB located thereon.

and to exercise any other right or remedy available under law or equity against such property.

IT IS FURTHER ORDERED THAT:

1. Movant shall be authorized to exercise all state court and statutory remedies to foreclose and obtain possession of the property described herein.
2. The stay is not modified to permit collection of the debt as a personal liability of Debtors.
3. Movant shall notify the Chapter 13 Trustee in the event the stay is modified;
4. Movant shall be entitled to amend its Proof of Claim for any deficiency.
5. This Order is effective and enforceable upon entry. The 14-day stay requirement of Fed.R.Bankr.P. 4001(a)(3) is waived.
6. This Order survives in the event this case is converted to another chapter.

END OF ORDER #

Submitted

By: /s/ submitted electronically

Susan P. Crawford

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APPROVED:

/s/ R. Trey Arvizu per email dated 12/7/2017

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